

***Remarks***

Upon entry of the foregoing amendment, claims 2-17 and 20-25 are pending in the application, with claims 2-5 being the independent claims. Claims 1, 18, and 19 are cancelled without prejudice to or disclaimer of the subject matter therein.

Claims 2-5 are rewritten in independent form and amended to include a pharmaceutically acceptable salt. Support for this amendment is found in paragraph [0008] at page 3 of the application. Claims 6, 7, 15, 16, and 20 have been amended to depend from claims 2-5. Claims 12-14 have been amended to delete the phrase "of claim 1." These changes are believed to introduce no new matter, and their entry is respectfully requested.

Applicants gratefully acknowledge the indication by the Office that claims 2-4 would be allowable if rewritten in independent form.

***Rejections Under 35 U.S.C. § 112***

At page 2 of the Office Action, claims 18 and 19 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

The Office Action states that "[t]he claimed invention is not enabled without undue experimentation." (Office Action, page 4, lines 2 and 3). In order to advance prosecution of this application, and not in acquiescence to the rejection, Applicants have canceled claims 18 and 19. This rejection has thus been accommodated and it is respectfully requested that it be reconsidered and withdrawn.

At page 6 of the Office Action, claims 1 and 5-25 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants respectfully traverse this rejection.

The Office Action states that:

For the reasons set forth above under 35 USC 112, first paragraph, claims 18-19 are indefinite.

Claim 5 improperly depends from claim 1, for not being within the scope of claim 1. In claim 5, V is carboxamine or carboxyaminealkyl, both substituted by a substituted phenyl. Such are not substituents on Z in claim 1. Therefore, the claim is indefinite. By deleting claims 5, 18-19, the rejections would be overcome.

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In the present instance, claim 1, recites the broad recitation of "alkyl" and the claim also recites "lower alkyl," which is the narrower statement of the range/limitation.

(Office Action, pages 6 and 7). Claims 1, 18, and 19 have been canceled rendering this portion of the rejection moot. Claim 5 has been rewritten in independent form and therefore is not indefinite under 35 U.S.C. § 112, second paragraph. Claims 6-16 and 20-25 have been amended such that they depend from claims 2-5. Applicants respectfully assert that this rejection has thus been accommodated and it is respectfully requested that it be reconsidered and withdrawn.

#### ***Rejections Under 35 U.S.C. § 102***

At page 7 of the Office Action, claims 1, 6, 7, and 18 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Cain, (*London*) *J. of Chem. Soc. Part V*:5472-5474 (1964) ("Cain I") and Cain, (*London*) *J. Chem. Soc. Part I*:356-359 (1963) ("Cain II"). Applicants respectfully traverse this rejection.

The Office Action states that:

Cain I discloses compounds of formula (I) in page 5472, their compositions and method of use as antitumor agents. In the compounds  $n=m=0$ , W is substituted 1, 4-quinone and Z is optionally substituted phenyl.

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Cain II discloses compounds in the tables in page 357-358, their compositions and method of use as antitumor agents. In the compounds,  $n=m=0$ , W is substituted 1, 4-quinone and Z is optionally substituted phenyl.

(Office Action, page 8). In order to advance prosecution of this application, and not in acquiescence to the rejection, Applicants have canceled claims 1 and 18 and amended claims 6 and 7 to depend from claims 2-5. Applicants respectfully assert that this rejection has thus been accommodated and it is respectfully requested that it be reconsidered and withdrawn.

***Claims Rejections Under 35 U.S.C. § 103***

At page 8 of the Office Action, claims 1 and 6-25 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cain I and Cain II. Applicants respectfully traverse this rejection.

The Office Action states that:

The difference between the instant invention and that of the prior arts is that Applicant replaced H with alkyl in prior arts' compounds. Also, some of the compounds of the prior arts and the instant compounds are members of the same homolog series. That is the lengths of alkyl chains are different. The prior arts do not teach the claimed preferred embodiments.

(Office Action, page 9). In order to advance prosecution of this application, and not in acquiescence to the rejection, Applicants have canceled claims 1, 18, and 19 and

amended claims 6-17 and 20-25 such that they depend from claims 2-5. Applicants respectfully assert that this rejection has thus been accommodated and it is respectfully requested that it be reconsidered and withdrawn.

### ***Objection to the Claims***

At page 10 of the Office Action, claims 2-4 are objected to as allegedly being dependent upon a rejected base claim. The Office Action states that claims 2-4 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (Office Action, page 10). Applicants have rewritten claims 2-4 in independent form rendering the objection moot. (Office Action, page 10).

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

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